

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 875 of 1995

with

CIVIL REVISION APPLICATION No 876 of 1995

and

CIVIL REVISION APPLICATION NO.877 OF 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

SURAT ELECTRICITY CO. LTD

Versus

HEMANTKUMAR B PATEL

Appearance:

MR HB SHAH for Petitioner

MR PV HATHI for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 12/10/1999

COMMON ORAL JUDGEMENT

1. Surat Electricity Company Limited has filed these
three Civil Revision Applications under Section 115 of

the Code of Civil Procedure, challenging the order dated April 28, 1995 passed by the learned Civil Judge (S.D.), Surat, below applications Exh.80, Exh.73, and Exh.68, in Regular Civil Suit Nos. 1046/94, 1048/94 and 1047/94 respectively.

2. The opponent of each Civil Revision Application filed aforesaid suits against the petitioner against disconnection of power supply and other incidental reliefs. The opponent also filed applications as stated above in the respective suits seeking direction and certain reliefs. Learned Civil Judge (S.D.), Surat, by his order dated April 28, 1995, gave certain directions and directed the opponent to pay amount of security deposits for electrical installation, which is challenged by the petitioner by filing these three Civil Revision Applications.

3. When the Civil Revision Applications came up for admission/hearing, the Court (Coram: M.R. Calla, J.) passed the following order on May 5, 1995.

"Heard the learned Counsel. Issue notice to the respondent as to why this revision petition should not be admitted and finally disposed of. Notice is made returnable by 12th of June, 1995. In the meanwhile, it is ordered that the impugned order passed by the Civil Judge (S.D), Surat, on 28th April, 1995, on Exh.68, in Civil Suit No.1047 of 1994 shall not be any impediment against the petitioner-company to put the iron case over the metering equipment on the consumer's premises. D.S." The above order was confirmed by the Court (Coram: N.J. Pandya, J.) on June 26, 1995.

4. The opponents filed affidavit in reply in each Civil Revision Application, inter alia, stating that electric connection was restored and the opponents paid full bill of the electric consumption along with delayed payment charges to the Company in order to get restoration of electric supply. It is also stated in the affidavit in reply that, as per the direction of this Court, the petitioner has already placed galvanized boxes in the premises of the opponents as provided in Rule 30 of the Indian Electricity Rules, 1956. It is, therefore, submitted that the grievance raised by the petitioner now no longer survives and these Civil Revision Applications be disposed of accordingly.

5. In view of what is stated in the affidavit in reply by the opponents, and in view of the fact all the charges under the bills issued by the petitioner have been paid by the opponents with delayed payment charges,

and the petitioner has already placed galvanized iron boxes on the electric meters, these Civil Revision Applications have become infructuous and, hence, the same stand disposed of accordingly. It is clarified that whatever disputes remained to be resolved, shall be agitated by the petitioner-company and the opponents at the time of trial of the suit.

6. In the result, these Civil Revision Applications stand disposed of as having become infructuous. Rule is discharged with no order as to costs.

(swamy)